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Paper No. 6

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**JUN 05 2003**

**OFFICE OF PETITIONS  
ON PETITION**

In re Application of :  
Karen L. Coates, et al. :  
Application No. 09/886,511 :  
Filed: June 21, 2001 :  
Attorney Docket No. 99-315A :

This is a decision on the petition under 37 CFR 1.137(b), filed May 27, 2003, to revive the above-identified application.

The petition is **DISMISSED**.

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "**Renewed Petition under 37 CFR 1.137(b)**." This is **not** final agency action within the meaning of 5 U.S.C. § 704.

A grantable petition under 37 CFR 1.137(b) must be accompanied by: (1) the required reply, unless previously filed; (2) the petition fee as set forth in 37 CFR 1.17(m); (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required by 37 CFR 1.137(c). Where there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137 was unintentional, the Commissioner may require additional information. See MPEP 711.03(c)(III)(C) and (D). The instant petition lack(s) item(s) one (1).

A petition to revive cannot be granted where there is an outstanding requirement. In the instant case, there was no response to the outstanding office action mailed on October 16, 2002. Petitioner asserts that he never received the Office action and in a May 5, 2003 conversation with the examiner, petitioner said that he requested a copy of the Office action but has not received a copy. Petitioner must submit a proper response upon the filing of a renewed petition. Until a proposed response is received, this application cannot be revived. A copy of the Office Action has been enclosed as requested.

Further correspondence with respect to this matter should be addressed as follows:

By mail:                   Mail Stop PETITION  
                              Commissioner for Patents  
  
                              Post Office Box 1450  
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By hand:                   Crystal Plaza 4, Suite 3C23  
                              2201 South Clark Place  
                              Arlington, VA 22202

By facsimile:           (703) 308-6916  
                              ATTN: Office of Petitions

Telephone inquiries concerning this decision should be directed to the undersigned at  
(703) 306-5594.



Retta Williams  
Petitions Examiner  
Office of Petitions  
Office of the Deputy Commissioner  
for Patent Examination Policy

Attachment: Office Action